

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.813 of 2016

Date of Decision: 18.07.2017

Richa Jain

.....Petitioner

Vs

Lallu and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

Mr. R.K. Sharma, Advocate
for respondents No.1 to 3.

RAJ MOHAN SINGH, J.(Oral)

Plaintiffs/respondents filed a suit for declaration challenging the sale deed dated 06.12.2011 executed by father of the plaintiffs on the ground of fraud.

Plaintiffs were not the executant of the sale deed, nor sought any possession in the suit.

Plaintiffs filed a suit for declaration with consequential relief of permanent injunction that their father was owner in possession of the suit land and husband of the defendant in collusion with Gafoor etc. cheated their father and executed the sale deed dated 06.12.2011 in favour of the defendant. Plaintiffs sought declaration that the plaintiffs are owners in possession of the suit land and the defendant has no concerned with the same. The sale deed dated 06.12.2011 and consequent mutation No.3735 are illegal and not

binding upon the rights of the plaintiffs. A decree for permanent injunction has also been sought restraining the defendant from dispossessing the plaintiffs from the suit property and from further alienation. Plaintiffs also alleged that if the defendant is succeeded in dispossessing the plaintiffs during pendency of the suit, then a decree of possession be also granted.

In view of law laid down in **Suhrid Singh @ Sardool Singh Vs. Randhir Singh and others, 2010(2) RCR (Civil) 564**, if the non-executant, is in possession of the suit land and sues for a declaration that the deed is null and void and does not bind him, then he has to merely pay a fixed court fee of Rs.19.50/- under Article 17(iii) of Second Schedule of the Act.

Under Order 7 Rule 11 CPC only averments made in the plaint are to be seen. In view of law laid down in **Suhrid Singh's case (supra)**, I am of the view that the order passed by the trial Court cannot be faulted with.

In view of above, this revision petition stands dismissed.

July 18, 2017.

Prince

Whether Reasoned/Speaking

Whether Reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No